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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/804,038	03/13/2001	Minoru Saito	1405.1037	8843
21171	7590	08/03/2005	EXAMINER	
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			TOMASZEWSKI, MICHAEL	
			ART UNIT	PAPER NUMBER
			3626	

DATE MAILED: 08/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/804,038	Applicant(s) SAITO ET AL.	
	Examiner Mike Tomaszewski	Art Unit 3626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>23 March 2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Notice To Applicant

1. This communication is in response to the application filed on 13 March 2001. Claims 1-5 are pending. The IDS statements filed on 23 March 2004 and 13 March 2001 have been entered and considered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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3. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brinkman et al. (6,697,783; hereinafter Brinkman) in view of Tsai (6,038,566; hereinafter Tsai).

(A) As per claim 1, Brinkman discloses a health-care information system comprising:

- (i) referee hospital information storage means for storing hospital information including diagnostic-care department information, information on doctors (Brinkman: col. 4, lines 27-35; col. 6, lines 63-67; col. 7, lines 26-39);
- (ii) examination information acceptance means for accepting patient information from referrer medical institutions as patient referral sources (Brinkman: col. 4, lines 27-35; col. 6, lines 63-67; col. 7, lines 41-50);
- (iii) referee hospital information presentation means for selecting appropriate referee medical institutions from said referee hospital information storage means based on examination information accepted by said examination information acceptance means, and for presenting hospital information on the selected referee medical institution to said referrer medical institution (Brinkman: col. 11, lines 1-18 and col. 11, lines 47-56);
- (iv) referral deciding means for accepting decisions on referee medical institutions from said referrer medical institutions ((Brinkman: Fig. 21B- Fig.22; Note that Examiner considers the "check-box" within the graphical

user interface (GUI) a means of referral acceptance – see Fig. 21B.

Moreover, the GUI of Fig. 22 provides for additional means of referral acceptance via the “Referrals:” entry-line, “Customer Decision” drop-down-box and the “Follow-up Assignment:” entry-line.));

- (v) patient referral information presentation means for creating patient referral information based on patient information accepted by said examination information acceptance means (Brinkman: Fig. 21B and Fig. 22), and for sending said patient referral information to the referee medical institutions decided upon by said referral deciding means ((Brinkman: col. 11, lines 54-56; Note that the GUI of Fig. 21B provides for faxing as one means of sending referral information to a designated recipient (e.g., referee))).

Brinkman fails, however, to expressly disclose storing hospital map information on referee medical institutions as patient referral destinations. Nevertheless, this feature is old and well known in the art, as evidenced by Tsai.

In particular, Tsai discloses a health-care system that stores hospital map information on referee medical institutions as patient referral destination (Tsai: col. 8, lines 44-67; col. 9, lines 1-41; Fig. 14-15 and Fig. 18-19).

One having ordinary skill would have found it obvious at the time of the invention to include the aforementioned feature of Tsai within the Brinkman system with the motivation of storing more comprehensive referral information and thereby enhancing the decision support system that provides health advice that is directly tailored to

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member-specific needs (e.g., advising patients on the locations of potential referees, etc.) (Brinkman: col. 4, lines 10-12).

(B) As per claim 2, Brinkman discloses the health-care information system set forth in claim 1, further comprising:

- (i) electronic patient chart preparation means for preparing electronic patient charts based on patient information accepted by said patient information acceptance means (Brinkman: col. 11, lines 57-67; col. 12, lines 1-3; Fig. 14-23); and
- (ii) referral creation means for creating letters of reference based on information input from said patient referral sources (Brinkman: col. 12, lines 4-18; Figs. 7 and 11); wherein
- (iii) said patient referral information presentation means transmits to said referee medical institutions patient referral information including electronic patient charts created by said electronic patient chart creation means attached to letters of reference created by said referral creation means (Brinkman: col. 12, lines 4-18; Figs. 7 and 11). Note that Examiner has taken into account that Brinkman teaches a broad array of entities utilizing the Brinkman system including referrers and referees (Brinkman: col. 7, lines 12-20).

(C) As per claim 3, Brinkman discloses the health-care information system as set forth in claim 1, said patient referral information presentation means comprising:

- (i) reply method selection means for having said referrer medical institutions select a reply method when at said referee medical institutions diagnostic results and diagnostic information including prescriptions is to be sent from said referee medical institutions to said referrer medical institutions ((Brinkman: col. 12, lines 4-28; Figs. 21B-23; Insofar as the Brinkman system is capable of accommodating a variety of reply methods (i.e., fax, e-mail, telephone, etc.), a user, in order to select a desired reply method, need only make the appropriate request in the graphical user interface's comment box (i.e., reply method selection means.)); wherein
- (ii) said patient referral information presentation means sends to said referee medical institutions information on the reply method selected by said reply method selection means, attached to said patient referral information (Brinkman: col. 12, lines 4-28; Figs. 7, 11, and 21B-23).

4. Claims 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brinkman and Tsai as applied to claim 1 above, and further in view of Joao (6,283,761; hereinafter Joao).

(A) As per claim 4, Brinkman fail to expressly disclose the health-care information system as set forth in claim 1, further comprising:

- (i) appointment information presentation means for presenting to said referrer medical institutions scheduling conditions for said referee medical institutions;
- (ii) appointment acceptance means for having said referrer medical institution decide on dates and times for appointments at said referee medical institution; and
- (iii) appointment finalization means for finalizing appointments by sending to said referrer medical institutions the appointment dates and times accepted by said appointment acceptance means.

Nevertheless, these features are old and well known in the art, as evidenced by Joao.

In particular, Joao discloses the health-care information system as set forth in claim 1, further comprising:

- (i) appointment information presentation means for presenting to said referrer medical institutions scheduling conditions for said referee medical institutions (Joao: col. 32, lines 47-67);
- (ii) appointment acceptance means for having said referrer medical institution decide on dates and times for appointments at said referee medical institution (Joao: col. 32, line 64 to col. 33, line 14); and
- (iii) appointment finalization means for finalizing appointments by sending to said referrer medical institutions the appointment dates and times accepted by said appointment acceptance means (Joao: col. 33, lines 15-25).

One having ordinary skill would have found it obvious at the time of the invention to include the aforementioned features of Joao within the Brinkman system with the motivation of facilitating the creation, management, quality, efficiency and effectiveness of healthcare services (Joao: col. 2, lines 38-54).

(E) As per claim 5, Brinkman discloses the health-care information system as set forth in claim 4, wherein said appointment information presentation means comprises appointment information storage means for acquiring and storing appointment conditions for said referee medical institutions (Brinkman: col. 11, line 43-46; Note that

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Examiner considers appointment conditions to read on “rules associated with referring members to specific physicians.”).

Moreover, Examiner considers a “scheduling information” to read on appointment conditions—that is, scheduling an appointment is conditioned on selecting a time slot within the predetermined time availability of physician(s) at a particular medical institution (Joao: col. 32, lines 53-67).

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure. The cited but not applied art teaches a medical network management system and process (5,471,382); a medical network management article of manufacture (5,471,382); a computer implemented patient medication review system and process for the managed care, health care and/or pharmacy industry (6,014,631 and 6,356,873); an integrated system and method for ordering cumulative results reporting of medical tests (6,018,713); a secure medical test and result delivery system (US 2002/0013906); an electronic medical records system (6,347,329); a method and apparatus for facilitating delivery of medical services (US 2002/0019749); a virtual doctor interactive cybernet system (US 2002/0065682); and a method and system for providing computerized, knowledge-based medical diagnostic and treatment advice (6,748,353).

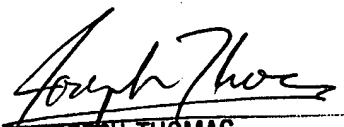
The cited but not applied prior art also includes non-patent literature articles by Paul Schnitt ("Referral Systems Group Inc.: Ask-a-Nurse Pays Off" May 20, 1990. The Sacramento Bee. Vol. 267, Iss. 1215. Sec. F, pg. 6.); Alan J. Rice ("PLM in Action" Jan/Feb 1987. Healthcare Forum. Vol. 30, Iss. 1. pg. 29.); Jim Schachter ("Computer Program for Hospitals Sparks Suit" Mar 28, 1986. Los Angeles Times. pg. 2.); and Business Wire ("Home Access Health Expands Nationwide Medical and Social Service Referrals for Anonymous HIV Test Service" Oct. 8, 1996.).

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mike Tomaszewski whose telephone number is (571)272-8117. The examiner can normally be reached on M-F 7:00 am - 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on (571)272-6776. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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